

U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536

FILE#

Office: San Diego (ECC)

Date: JAN 09 2004

IN RE: Obligor:
Bonded Alien:

IMMIGRATION BOND: Bond Conditioned for Voluntary Departure under § 240B of the
Immigration and Nationality Act, 8 U.S.C. § 1229c

IN BEHALF OF OBLIGOR: Self-represented

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

for *Mari Johnson*
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the District Director, San Diego, California, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO) on appeal. The matter will be reopened by the AAO on a Service motion pursuant to 8 C.F.R. § 103.5(a)(5)(ii). The appeal will be dismissed as moot.

The record indicates that on November 18, 2002, the obligor posted a \$1,500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge dated November 18, 2002, was issued granting the alien voluntary departure in lieu of removal on or before January 17, 2003. On March 14, 2003, the district director concluded the bond had been breached.

On September 16, 2003, the AAO dismissed the appeal as no satisfactory evidence had been introduced into the record to establish that the alien had made a timely departure.

The record now contains evidence that the director issued a Form I-391 Notice-Immigration Bond Canceled on April 30, 2003. Thus, there was no reason for an appeal.

Hence, the AAO reopens the matter, withdraws the order of September 16, 2003, and dismisses the appeal as moot.

ORDER: The appeal is dismissed.